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CHAPTER Agr 900 STANDARDS FOR FARM PRODUCTS: BRANDS, LABELS, GRADES

Statutory Authority: RSA 434:40-b, 434:40-d

PART Agr 907 CIDER

Agr 907.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 434:40-a et seq., relative to the manufacture, blending, labeling and sale of cider in New Hampshire

Agr 907.02 Applicability. These rules apply to any person who makes cider for sale or distribution in the state.

Agr. 907.03 Definitions. The following words shall have the meanings indicated when used in this part:

- (a) “Bearing orchard” means land on which apple trees which are of sufficient age to produce fruit are grown and managed for commercial production.
- (b) “Cider” means the unfermented juice of apples with an alcohol content of less than ½ of one percent by volume at 60 degrees Fahrenheit.
- (c) “Cider apple” means any clean, sound and mature apple used to make cider.
- (d) “Clean” means free from foreign material.
- (e) “Commissioner” means the commissioner of the department of agriculture, markets and food or his authorized agent.
- (f) “Drop” means an apple that has been in contact with the ground.
- (g) “Fresh” means raw food that has never been frozen or heated, and contains no preservatives.
- (h) “Mature” means apples which have reached the stage of development which will ensure the proper completion of the ripening process.
- (i) “Off-premises” means not at the site where the cider was manufactured. The term does not include farm stands owned by the cider manufacturer.
- (j) “Person” means any individual, firm, company, partnership, corporation, association, cooperative, business trust or legal entity of any kind.
- (k) “Sanitize” means to adequately treat food contact surfaces by a process that is effective in destroying vegetative cells of *Escherichia coli* bacteria, and in substantially reducing numbers of other undesirable organisms, but without adversely affecting the product or its safety for the consumer.
- (l) “Serious damage” means any defect that materially detracts from the edibility or market value of the cider. The term includes fermentation, distasteful foreign flavor

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and disagreeable odor.

(m) “Sound” means free of decay.

Agr 907.04 Cider.

(a) Cider shall be pressed, squeezed or extracted from cider apples that have been carefully inspected and sorted to remove defects.

(b) Cider shall have the following characteristics:

(1) It shall not be adulterated with sweeteners, flavorings or additives, except:

a. Approved chemical preservatives consistent with their use in provisions of the U.S. Food and Drug Administration’s regulations under Title 21 CFR,

b. The natural fruit juices required to make a “cider blend,” in accordance with Agr 907.07;

(2) It shall not be diluted by adding water other than that incidental to the washing of apples prior to processing;

(3) It shall not be made from concentrate; and

(4) It shall be free from serious damage.

Agr 907.05 Cider Manufacturing.

(a) All press racks shall be:

(1) Made of hardwood or food grade plastic or stainless steel;

(2) Cleaned and sanitized each day of use; and

(3) Stored off the floor at all times.

(b) Tubing used to transport pomace or cider shall be made of food grade material and shall be cleaned and sanitized each day of use.

(c) All vessels used to store cider post manufacturing and prior to bottling shall be made of stainless steel or food grade plastic.

(d) In no case shall material constructed of the following substances be used in storage or bottling of cider:

(1) Copper;

(2) Galvanized metal;

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(3) Metal soldered with solder or flux containing in excess of .2 percent lead; and

(4) Any other substance which could tend to damage the color, flavor, marketability, edibility, purity, or safety of cider.

Agr 907.06 Use of Drop Apples. Drop apples may be used for processing into cider, provided the following conditions have been met:

- (a) Dropped apples shall be washed and brushed with potable water or water that has been treated with a substance or method that renders it safe for cleaning fruit prior to processing into cider.
- (b) No animal manure shall be used in bearing orchards from which drops will be collected for use in cider.
- (c) Domestic livestock shall not be pastured in bearing orchards from which drops will be collected for use in cider.

Agr 907.07 Cider Blends. Cider may be blended with the natural juices derived from fruit other than apples, provided that the following conditions shall be met:

- (a) The container shall be plainly and conspicuously labeled with the words "Cider Blend."
- (b) The word "Blend" shall appear in letters of equal size and prominence and in close proximity to the word "Cider."
- (c) Any product labeled as a cider blend shall include an "ingredient statement: on the principal display panel listing the names of the natural juices present. The juices shall be named in declining order of predominance.

Agr 907.08 Labeling.

- (a) Any container of cider sold in New Hampshire shall bear a label that:
 - (1) Clearly identifies its producer;
 - (2) Conspicuously and accurately describes its contents as follows:
 - a. The volume of its contents; and
 - b. A list of any chemical preservative;

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- (3) Includes the term “pasteurized” on the label if the cider has been pasteurized and
- (4) Includes, as of September 1, 1998, either the term “not pasteurized” or the term “unpasteurized” on the label if the cider has not been pasteurized.
- (b) All labels shall be clear and legible with text printed in no less than 10 point type and shall comply with applicable federal and state statutes relating to labeling and consumer fraud.
- (c) No cider shall be labeled as being a New Hampshire product, or labeled in any manner which could imply that the cider was produced in New Hampshire, unless the cider was entirely produced within the state of New Hampshire in compliance with the terms of RSA 434:40-a et seq. and these rules.
- (d) No cider shall be labeled as being “fresh” unless it is raw, has never been frozen or heated and contains no preservatives.
- (e) All cider in bulk containers sold directly to consumers, restaurants or any other markets where cider is not further processed before purchase by the consumer shall be labeled with the same information required on packaged cider. However, the labeling requirements shall not apply to bulk cider containers used solely for transportation or storage of cider prior to being processed or packaged for consumer sales.

Agr 907.09 Containers.

- (a) All cider containers and caps shall:
 - (1) Be clean and sanitary;
 - (2) Be stored, prior to use, in a manner that prevents contamination; and
 - (3) Not contain or be constructed of any substance which could damage the flavor of the cider.
- (b) The cap or other closing mechanism of any cider container shall be tamper evident, which means it would be readily apparent if it was previously opened.
- (c) Packaged cider shall not be packed in or found to be in cracked, punctured, bulged, rusty, unsealed or unsanitary containers.

Agr 907.10 Cider Sold Off-Premises.

- (a) Cider to be sold off-premises shall be marked with the date the containers were packed, but a date code may be used as an alternative provided the

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method of coding shall have been filed with the department.

- (b) Retailers shall keep the cider refrigerated at a temperature of 45 degrees F or less, or set in ice.